

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMERICAN TRANSIT INSURANCE COMPANY,

Docket No: 1:24-cv-00360
(PGG)(JCF)

-against-

**DECLARATION OF
ROLAND G. RIOPELLE IN
SUPPORT OF MOTION
TO VACATE**

BRADLEY PIERRE, MARVIN MOY, M.D.,
RUTLAND MEDICAL P.C., WILLIAM A.
WEINER, D.O., NEXRAY MEDICAL IMAGING, P.C.
d/b/a SOUL RADIOLOGY MEDICAL IMAGING and
JOHN DOES 1-15,

Defendants.

ROLAND G. RIOPELLE, Esq. declares, pursuant to 28 U.S.C. Sec. 1746, under penalty of perjury that the following is true and correct.

1. I am an attorney with the firm of Sercarz & Riopelle, LLP, attorneys for the Defendant, BRADLEY PIERRE ("Pierre") in a Criminal Action in the United States District Court for the Southern District of New York bearing Docket No 22 CR 19 (PGG). As such, I am familiar with the pleadings and proceedings heretofore had therein.
2. This Declaration is submitted in Support of the above Defendant's Motion to Vacate a Certificate of Default, pursuant to Fed. R. Civ. P. 55(c).
3. Pierre was charged in a multi-defendant case with a series of different federal crimes.
4. Two of the counts in the indictment were health care fraud charges which were based on a Mallela type theory of fraud – namely, that Pierre was the de facto owner of certain medical clinics that submitted no-fault claims to insurance companies when the clinics were not by law permitted to do so, because the clinics were not owned and controlled by a person who was a medical professional.

5. Pierre never pled guilty to the health care fraud charges against him. Instead, he pled guilty only to a bribery charge and a tax evasion charge.

6. The healthcare fraud charges against Pierre were ultimately dismissed.

WHEREFORE, it is respectfully requested that the Court issue an Order, pursuant to Fed. R. Civ. P. 55(c), vacating the default and permitting PIERRE to interpose an Answer and defend the action on the merits, and for such other and further relief as the Court deems proper.

Dated: New York, New York
July 25, 2024

Respectfully submitted.

Sercarz & Riopelle, LLP



Roland G. Riopelle
950 Third Avenue, 31st Floor
New York, NY 10022
(212) 586-4900, x 118

TO:

Law Office of Cary Scott Goldinger, P.C.
Attorneys for Defendant
Bradley Pierre
400 Garden City Plaza, Suite 420
Garden City, New York 11530
Ph: (516) 227-3344
Fax: (516) 227-3351
csg@goldinger.com

GREENBERG TRAURIG, LLP
Attorneys for Plaintiffs
One Vanderbilt Avenue
New York, New York 10017
(212) 801-9200
perkinsj@gtlaw.com
serbarolif@gtlaw.com
molluzzoj@gtlaw.com

SCHWARTZ, CONROY & HACK, PC
Attorneys for Defendants
Matthew Conroy, Esq.
William A. Weiner, D.O.,

Nexray Medical Imaging, P.C.
d/b/a SoulRadiology Medical Imaging
666 Old Country Road, Suite 900
Garden City, NY 11530
Phone: 516-745-1122
Email: mjc@schlawpc.com
reh@schlawpc.com

SHORT & BILLY
Attorneys for Plaintiff
Skip Short, Esq.
217 Broadway, Suite 300
New York, NY 10007
Phone: 212-732-3320
Email: skip.short@shortandbilly.com